

1408  
VIRGINIA:

BK 1075PG0056

1659  
INSTRUMENT PREPARED BY  
VIRGINIA GAS AND OIL BOARD.  
ORDER RECORDED UNDER CODE OF  
VIRGINIA SECTION 45.1-361.26

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER  
VGOB 08-0415-2197

ELECTIONS: UNIT BC-137  
(herein Subject Drilling Unit)

TAX MAP IDENTIFICATION  
NUMBERS FOR ALL PARCELS  
AFFECTED BY THIS ORDER ARE  
SHOWN ON EXHIBIT Ind

Identification Sheet

REPORT OF BOARD

FINDINGS AND ORDER

This Supplemental Order is entered by the Board *sua sponte* in the form authorized by the Board at hearings held on February 15, 1994 and June 16, 1992; and this Supplemental Order is being recorded for the purpose of supplementing the Order previously in the captioned matter on November 4, 2009 which was recorded in Deed Book 1067 Page 0735 in the Office of the Clerk of the Circuit Court of Tazewell County, Virginia, on December 18, 2009, (herein "Board Order") and completing the record regarding elections.

Findings: The Board finds that:

The Board Order directed CNX GAS COMPANY LLC (herein "Designated Operator") to mail copies of the Board Order to all Respondents whose interests, if any, were pooled by the said Board Order;

The Designated Operator filed its affidavit of elections disclosing that it had mailed a true and correct copy of the Board's Order to all Respondents whose interests, if any, were pooled by said Board Order;

The Board Order required each Respondent whose interests, if any, were pooled by the terms of said Board Order to make an election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the affidavit of elections filed herein and annexed hereto as Exhibit A states: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of any election(s) made; and (iii) whether, by reason of a failure to elect or to timely elect one or more Respondents are deemed, under the terms of the Board's Order, to have leased all their rights, title, interests, estates and claims in Subject Drilling Unit to the Applicant;

That the affidavit of elections annexed hereto with the Exhibits submitted therewith identifies the Respondent(s) making a timely election, if any; identifies the Respondent(s), if any, who are deemed to have leased; identifies the conflicting interests and claims which require escrow; identifies the interests and claims, if any, requiring escrow under Virginia Code section 45.1-361.21.D.; and identifies the Respondents, if any, who may be dismissed by reason of having leased or entered into a voluntary agreement with the Applicant.

The affidavit of elections indicates whether or not the escrow of funds is required with regard to Unit BC-137;

Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, First Bank & Trust Company PO Box 3860 Kingsport, TN 37664, Attn: Debbie Davis or any successor named by the Board to establish interest bearing escrow account(s), IRS Tax Identification Number 54-1629506, in accordance with the information set forth in the affidavit of elections with Exhibits thereto, to receive funds and account to the Board therefore.

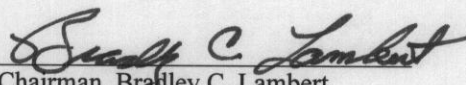
BK1075PG0057

Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order or shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed to each Respondent whose interests or claims are subject to escrow and whose address is known within seven (7) days from the date of receipt of this Order.

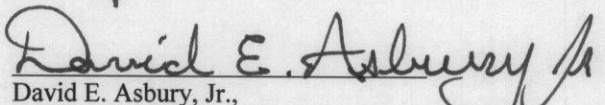
Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 8 day of April, 2010, by a majority of the Virginia Gas and Oil Board.

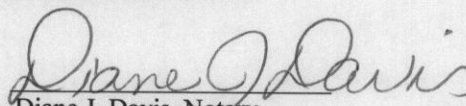
  
Chairman, Bradley C. Lambert

DONE AND PERFORMED THIS 8 day of April, 2010, by Order of the Board.

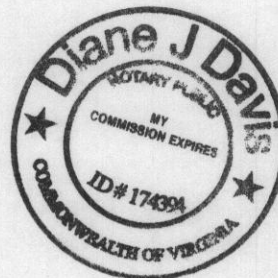
  
David E. Asbury, Jr.,  
Principal Executive to the Staff of the Board

STATE OF VIRGINIA  
COUNTY OF RUSSELL

Acknowledged on this 8<sup>th</sup> day of April, 2010, personally before me a notary public in and for the Commonwealth of Virginia, appeared Bradley C. Lambert, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, and appeared David E. Asbury Jr., being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board that they executed the same and were authorized to do so.

  
Diane J. Davis, Notary  
174394

My commission expires: September 30, 2013





BK1075PG0058

VIRGINIA:

Exhibit A

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of CNX Gas Company LLC for Forced Pooling of Interests in CBM Unit BC-137  
VGOB 08-0415-2197 in the Maiden Springs District of Tazewell County, Virginia

AFFIDAVIT OF CNX GAS COMPANY LLC (herein "Designated Operator") REGARDING  
ELECTIONS, ESCROW AND SUPPLEMENTAL ORDER

Anita D. Duty, being first duly sworn on oath, deposes and says:

That your affiant is employed by CNX Land Resources, Inc., as a Pooling Supervisor and is duly authorized to make this affidavit on behalf of CNX GAS COMPANY LLC, the designated operator,

That the Order entered on November 4, 2009, by the Virginia Gas and Oil Board (hereinafter "Board") regarding the captioned CBM Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by the Order;

That within seven (7) days of receipt of an executed copy of the Order referred to at paragraph 2. above, your affiant caused a true and correct copy of said Order to be mailed via the United States Postal Service to each Respondent named in the captioned Application, whose address was known, and to all persons, if any, who were added as Respondents at the hearing held in the captioned matter; that proof of such mailing has previously been tendered to the Division of Gas and Oil, the Office of the Gas and Oil Inspector, at Lebanon, Virginia;

That the Order of the Board in the captioned matter required all persons pooled thereby to tender their written elections to the Unit Operator within thirty (30) days of the date the Order was recorded in the counties identified above; that said Order was recorded on December 18, 2009;

That the designated operator CNX GAS COMPANY LLC has established procedures to review all mail received and all written documents received other than by mail to ascertain whether parties whose interests have been pooled have made a written election, in a timely fashion, as required by the captioned Order; that said procedures were followed to identify the elections, if any, made with regard to the Subject Unit; that the following persons delivered, by mail or otherwise, written elections the Unit Operator, within the thirty day elections period:

None

That Respondents identified in Exhibit B-3 hereto are, having failed to make any election, deemed to have leased their coalbed methane rights, interests and claims to Applicant, all as provided in the Board's Order of November 4, 2009;

See attached Exhibit B-3

That the rights, interests and claims of the following persons are subject to escrow under the Board's Order pooling the captioned Unit, Board Regulations and the Code of Virginia:

None

BK1075PG0059

That after the pooling hearing held in the captioned matter, the following persons have leased or entered into a voluntary agreement with the Designated Operator:

None

That to the extent any of said persons listed in Exhibit B-2 have rights, interests and claims which are subject to escrow, they should be dismissed as respondents; the Operator requests that the following persons be dismissed as Respondents:

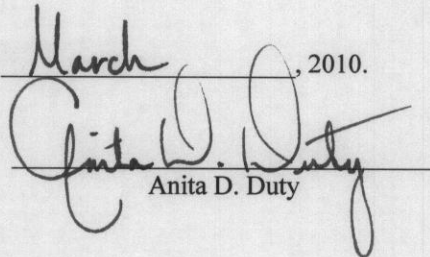
None

That the persons identified in Exhibit EE attached hereto have entered into royalty split agreements that allow the Applicant/Designated Operator to pay them directly without the need to escrow funds which would otherwise be in conflict.

None

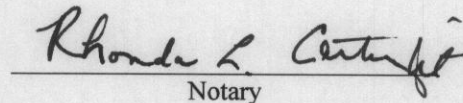
That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

Dated at Bluefield, West Virginia, this 12<sup>th</sup> day of March, 2010.

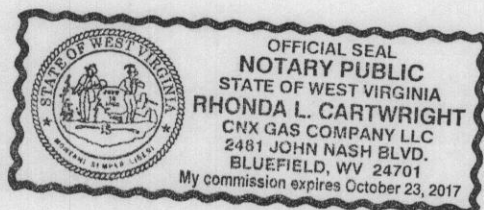
  
Anita D. Duty

STATE OF WEST VIRGINIA  
COUNTY OF MERCER

Taken, subscribed and sworn to before me by Anita D. Duty as a Pooling Supervisor for CNX Land Resources, Inc., on behalf of the corporate Designated Operator, this 12<sup>th</sup> day of March, 2010.

  
Notary

My commission expires: 10/23/2017.





BK1067PG0716

PROPERTY LINES SHOWN WERE TAKEN FROM MAPS PROVIDED  
BY CNX GAS COMPANY LLC AND WERE NOT SURVEYED.

BK1075PG0060

785

N 294,449.65  
E 1,026,583.82

58.74 ACRE UNIT

N 294,392.24  
E 1,028,182.30

Doran

CBM-BC137

N 292,850.87  
E 1,026,526.40

N 292,793.46  
E 1,028,124.88

BEARING & DISTANCE TO NEAREST WELLS  
WITHIN 2500' FROM CBM-BC137

CBM-BB136 N 64°32'29" W 2115.93'  
CBM-BB137 N 09°21'03" E 1435.77'

EXHIBIT A  
MIDDLE RIDGE FIELD  
UNIT BC-137  
FORCE POOLING  
VGOB-08-0415-2197

Company CNX Gas Company LLC Well Name and Number UNIT BC-137 OF

Tract No.                      Elevation                      Quarter Angle Richlands

County Tazewell District Maiden Springs Scale 1" = 400' Date 3/10/08

This plat is a new plat X ; an updated plat                     

Form DGO-GO-7  
Rev. 9/91

*Randall M. Albert*

Licensed Professional Engineer or Licensed Land Surveyor

RANDALL M. ALBERT  
Lic. No. 015584

(Affix Seal)

BK1067PG0747

**CNX Gas Company LLC**  
**Unit BC 137**  
**Tract Identifications**

BK1075PG0061

**(58.74 Acre Unit)**

1. Coal Creek Coal Company Tr. 10 (472 Acre Tract)- Fee (50 %)  
Coal Mountain Mining Company Limited Partnership - Fee (50 %)  
Consolidation Coal Company - All Coal Seams Leased  
Knox Creek Coal Corporation - Coal In Tiller Seam Sublessee  
Reserve Coal Properties Company - Oil and Gas Leased  
CNX Gas Company LLC - CBM Leased  
Tax Map Insert 104AA Parcel 37  
7.86 acres      13.3810%
  
2. Coal Creek Coal Company Tr. 10 (472 Acre Tract)- Minerals (50 %)  
Coal Mountain Mining Company Limited Partnership - Minerals (50 %)  
Consolidation Coal Company - All Coal Seams Leased  
Knox Creek Coal Corporation - Coal in Tiller Seam Sublessee  
Reserve Coal Properties Company - Oil and Gas Leased  
CNX Gas Company LLC - CBM Leased  
Tax Map Insert 104AA Parcel 37  
47.63 acres      81.0861%
  
- 2A. Commonwealth of VA - Surface
- 2B. Unknown - Surface
- 2C. Unknown - Surface
- 2D. Unknown - Surface
- 2E. Doran Development Corporation - Surface
- 2F. Unknown - Surface
- 2G. Unknown - Surface
- 2H. Unknown - Surface
- 2I. Unknown - Surface
- 2J. Unknown - Surface
- 2K. Unknown - Surface
- 2L. Unknown - Surface
  
3. Norfolk & Western Railway Company - Fee  
Tax Map Insert 104AA Parcel 000  
3.25 acres      5.5329%



Exhibit B-3  
Unit BC-137  
Docket #VGOB 08-0415-2197  
List of Unleased Owners/Claimants  
(58.74 Acre Unit)

BK 1075PG0062

|   | Acres in Unit | Interest in Unit |
|---|---------------|------------------|
| <b>I. <u>COAL OWNERSHIP</u></b>   |               |                  |
| <b><u>Tract #3, 3.25 acres</u></b>  |               |                  |
| (1) Norfolk Southern Railway Company  | 3.25 acres    | 5.5329%          |
| <i>If applicable royalties paid to:</i><br>Pocahontas Land Corporation<br>Treasurer, Pocahontas Land Corporation<br>P. O. Box 1517<br>Bluefield, WV 24701 |               |                  |
| <b>II. <u>OIL &amp; GAS OWNERSHIP</u></b>   |               |                  |
| <b><u>Tract #3, 3.25 acres</u></b>  |               |                  |
| (1) Norfolk Southern Railway Company  | 3.25 acres    | 5.5329%          |
| <i>If applicable royalties paid to:</i><br>Pocahontas Land Corporation<br>Treasurer, Pocahontas Land Corporation<br>P. O. Box 1517<br>Bluefield, WV 24701 |               |                  |

INSTRUMENT #100001659  
RECORDED IN THE CLERK'S OFFICE OF  
TAEWELL COUNTY ON  
MAY 19, 2010 AT 04:20PM  
*Angela O. Ray*  
JAMES E. BLEVINS, CLERK  
RECORDED BY: ADR



OFFICIAL RECEIPT  
TAZEWELL COUNTY CIRCUIT COURT  
101 EAST MAIN STREET  
TAZEWELL, VA 24651  
276.988.1222

DEED RECEIPT

DATE: 05/19/10 TIME: 16:20:38 ACCOUNT: 185CLR100001659 RECEIPT: 10000007397  
CASHIER: ADR REG: TC15 TYPE: ODU PAYMENT: FULL PAYMENT  
INSTRUMENT : 100001659 BOOK: 1075 PAGE: 56 RECORDED: 05/19/10 AT 16:20  
GRANTOR: VIRGINIA GAS AND OIL BOARD EX: N LOC: CO  
GRANTEE: CNX GAS COMPANY LLC EX: N PCT: 100%

AND ADDRESS :

RECEIVED OF : COMM OF VA

CHECK: \$17.00 45282964

DESCRIPTION 1: SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER  
2: VGOB 08-0415-2197

PAGES: 7 O/P 0  
NAMES: 0

CONSIDERATION: .00 A/VAL: .00 MAP:  
PIN:

301 DEEDS 17.00

TENDERED : 17.00  
AMOUNT PAID: 17.00  
CHANGE AMT : .00

CLERK OF COURT: JAMES E. BLEVINS

PAYOR'S COPY  
RECEIPT COPY 1 OF 3